

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HENRY VAUGHAN,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

Civil Action No. 04-3981

**ORDER**

March , 2006

Upon careful consideration of the Report and Recommendation filed by United States Magistrate Judge Peter B. Scuderi, and upon independent review of the Cross Motions for Summary Judgment filed by the parties, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.<sup>1</sup>
2. Plaintiff's Motion for Summary Judgment is DENIED.

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<sup>1</sup> On page 9, the Report and Recommendation states that plaintiff's "fourth shoulder MRI revealed . . ." As plaintiff has objected to the characterization of that MRI as involving the "shoulder," I will amend that sentence to replace "shoulder" with "proximal right humerus." Also, on page 11, the Report and Recommendation quotes the A.L.J. as concluding that plaintiff's statements concerning his disabling symptoms "exceed what the objective medical evidence and clinical finding could reasonable be expected to produce." The word "reasonable" would appear to be a typographical error; the intended word, doubtless, was "reasonably."

3. Defendant's Motion for Summary Judgment is GRANTED.
4. The decision of the Commissioner which denied disability insurance to plaintiff is AFFIRMED.

BY THE COURT:

s/ Louis Pollak\_\_\_\_  
Louis H. Pollak, J.